

REMARKS

Reconsideration of the second Office action issued in connection with the above-identified patent application is requested in view of the foregoing amendments and the following remarks. Prior to entry of this amendment, claims 1-18 and 24-43 were pending, with claims 1-18, 24-31, 34-36, 41 and 43 rejected, claims 33 and 37-40 allowed, and claims 32 and 42 objected to as containing allowable subject matter but depending from a rejected base claim. By this amendment, claims 1, 5, 13, 24, 29, 35, 36 and 41 are amended. Enclosed with this response is an appendix containing copies of the amended claims, with underlined insertions and bracketed deletions.

Claim 1 was objected to as containing new matter in the form of the term "non-estimated." Applicant believes the specification supports this term, but acknowledges that specific use of the precise term is not made in the specification. Rather than debate the issue, Applicant has amended claim 1 to remove the term "non-estimated" and to add the language discussed below with respect to claim 5, namely, that the paths are determined at least in part by a method other than manually propelling the golf ball along the green with a golf club.

Claim 4 is rejected as being obvious over Zoretic and Maude. According to the Examiner, Zoretic fails to disclose a convergence band forming a region wherein a putted golf ball will travel to a common terminal location, Maude discloses such a convergence band, and it would have been obvious to modify Zoretic to include the convergence band of Maude. Applicant requests

reconsideration of the disclosure of Maude. More particularly, the Examiner identifies elements 18 and 20 as forming a convergence band, and Maude explains that arrows 18 and 20 indicate the direction of the grain of the grass on a green. However, claim 4 requires that the convergence band is a surface on the green in which balls will travel to a common terminal location and which is bounded by a pair of putting indicia that identify determined paths along which a golf ball will travel when putted on the green. Applicant recognizes that Maude discloses indicating the grain of direction of a green, but submits that this does not meet the requirements of claim 4, such as by identifying a converging surface bounded by lines demarcating determined lines along which a golf ball will travel when putted on the green.

Claim 5 previously recited that the paths were determined by a method other than manually putting the ball along the green. In response, the Examiner says it would have been obvious to include a player's chips onto the green from the fringe of the green. Applicant submits that "manually putting the ball along the green" would include balls that are struck from off of the green and then roll along the green, such as chips, pitch-and-run, and bunker shots, as discussed in Applicant's specification and shown for example in Figs. 5 and 6. Regardless of whether a golf ball is struck from on the green, the fringe, or beyond the fringe, the ball will still travel along a path that extends along the green. However, rather than debate this point, Applicant has amended claim 5 to recite that the paths are determined "other than by manually propelling the ball along the

green with a golf club." Similar amendments have been made to claims 13, 24 and 41.

In the Office action, claim 15 is rejected for the reasons set forth with respect to claim 6. However, claim 6 has been indicated to be allowable. Accordingly, Applicant believes claim 15 should also be allowable and requests confirmation by the Examiner. Similarly, Applicant believes that amended claims 6 and 15 remain allowable if they depend from original claims 1 and 13 instead of amended claims 1 and 13.

Claim 18 is rejected for the reason set forth with respect to claim 4. Reconsideration of the rejection of claim 18 is requested in view of the above discussion of claim 4.

Applicant requests reconsideration of the rejections of claim 28-31. The claims already recite that the paths are determined at least in part by a method other than manually propelling the golf ball along the green with a golf club. Accordingly, Applicant believes these claims should be allowable for the reasons presented with respect to claim 5. Furthermore, claim 28 recites that the determining step involves studying the path of the ball to determine if the ball follows a straight path of travel. Although Applicant agrees with the Examiner that it is possible for a putt to go straight, Applicant submits that there is no teaching or suggestion in Zoretic to study the path of the ball to determine if the ball follows a straight path of travel. The curvature of the path of a moving ball after the ball is propelled along a green is simply not the criteria in an actual

putting environment. Instead, the criteria is whether the ball goes into the hole. Claim 29 depends from claim 28 and recites in part that the determining step further includes repeating the propelling and studying steps along a different path from a position other than the a terminal position from a prior determining step. Because putts in an actual golf game are sequential, with the terminal point from one putt being the starting point for the next putt, it follows that Zoretic teaches away from the method recited in claim 29. Claim 30 recites that the method includes repeating the propelling and studying steps with a golf ball propelling along the path with a different force if the path fails to meet the selected criteria. Because the selected criteria include whether the ball travels in a straight line, a putt according to Zoretic would be repeated along a different path if the preceding putt did not follow a straight line. Regarding claim 31, the Examiner identifies column 9, lines 30-38 of Zoretic as disclosing that putts may be too long or too short, and therefore that a first putt may need to be followed by at least one additional putt. Applicant agrees. Similarly, in the case of a putt that is significantly too short or too long, Applicant agrees that it is possible for a second putt to require greater force than the first putt. However, claim 31 also recites that the putts are made to determine terminal positions beyond which the path of the golf ball will fail to meet the selected criteria, which as claim 28 recites, include whether the ball follows a straight path of travel. In an actual golf game, and in the disclosure of Zoretic, there is neither a teaching nor a need to determine terminal positions beyond which a putted golf ball will no longer travel in a

straight line. For the above reasons, Applicant requests reconsideration of the rejections of claims 28-31.

Finally, Applicant requests reconsideration of claims 35 and 36 that recite, in part, that the device includes a plurality of putting indicia that each identify a determined path along which a golf ball will travel. The claims respectively further recite that each of the plurality of putting indicia identify paths along which a ball will travel regardless of the direction at which the golf ball is putted along the path and regardless of the position of the golf ball on the path when the ball is putted along the path. Applicant respectfully traverses the rejection of claims 35 and 36, namely, that it would have been obvious to provide a plurality of straight line paths on a green in order to indicate the golf ball paths on a green that is flat. Because the device of Zoretic is created based on actual play of a game of golf, it follows that Zoretic does not provide any teaching or motivation to modify the disclosure of Zoretic to provide a plurality of straight line paths along a flat portion of the green. Furthermore, claims 35 and 36 do not require that the paths are straight or that the green is flat. However, Applicant has clarified that at least a portion of each path extends over a non-linear portion of a green.

Applicant thanks the Examiner for his time in a telephone interview with Applicant's undersigned attorney on July 27, 2001 in which it was discussed that the claims pending after entry of the above amendments and consideration of

the above reasons are allowable. If there are any questions or remaining issues, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON,
McCORMACK & HEUSER



David S. D'Ascenzo
Registration No. 39,952
of Attorneys for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

ATTACHMENT A**AMENDED CLAIMS WITH MARKINGS TO SHOW CHANGES MADE**

Marked up versions of amended claims 1, 5, 13, 24, 29, 35, 36 and 41:

1. (Twice Amended) A putting improvement device, comprising:

a representation of a green; and

a plurality of putting indicia on the representation, wherein each of the putting indicia identifies a determined[, non-estimated] path along which a golf ball will travel when putted on the green, and further wherein the determined paths are determined at least in part by a method other than manually propelling a golf ball along the green with a golf club.

5. (Twice Amended) The device of claim 1, wherein each path is determined by measuring the trajectory of a golf ball propelled along the green by a method other than manually [putting]propelling the golf ball along the green with a golf club.

13. (Twice Amended) A putting improvement device for a golf course having golf holes with greens, the device comprising:

a booklet containing representations of each of the greens, each representation corresponding to a respective one of the greens and including:

elevation indicia depicting the topographical profile of the corresponding green; and

a plurality of putting benchmarks disposed on the representation and identifying predetermined[, non-estimated] paths along which a golf ball will travel when putted on the corresponding green, and further wherein the predetermined paths are determined at least in part by a method other than manually propelling a golf ball along the green with a golf club.

24. (Twice Amended) A method for improving putting on a green, comprising:

determining a plurality of paths on the green along which a golf ball will travel when putted, wherein the plurality of [putts]paths are determined at least in part by a method other than manually [putting]propelling a golf ball across [with]the green with a golf club;

creating a topographical representation of the green; and

projecting the plurality of fixed paths on the topographical representation to form a putting improvement device.

29. (Amended) The method of claim 28, wherein the determining step further includes repeating the propelling and studying steps along a different path from a starting position other than a terminal position from a prior determining step if the path fails to meet the selected criteria.

35. (Amended) A putting improvement device, comprising:
a representation of a green; and
a plurality of putting indicia on the representation, wherein each of the putting indicia identifies a determined path along which a golf ball will travel when putted on the green, wherein at least a portion of each path extends over a non-level portion of the green, and further wherein the putting indicia identify determined paths along which a golf ball will travel when putted on the green, regardless of the direction at which the golf ball is putted along the path.

36. (Amended) A putting improvement device, comprising:
a representation of a green; and
a plurality of putting indicia on the representation, wherein each of the putting indicia identifies a determined path along which a golf ball will travel when putted on the green, wherein at least a portion of each path extends over a non-level portion of the green, and further wherein each of the putting indicia identifies a determined path along which a golf ball will travel when putted on the green, regardless of the position of the golf ball on the path when the ball is putted along the path.

41. (Amended) A putting improvement device, comprising:
a representation of a green; and
a plurality of putting indicia on the representation, wherein each of
the putting indicia identifies a determined path along which a golf ball will travel
when putted on the green, and further wherein each of the paths is determined by a
method other than manually [putting]propelling a golf ball along the green with a
golf club.